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SENATE BILL 82

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

William E. Sharer

AN ACT

RELATING TO MOTOR VEHICLES; MANDATING IMMOBILIZATION OF A MOTOR VEHICLE WHEN A PERSON IS CONVICTED FOR DRIVING WHILE HIS DRIVER'S LICENSE IS SUSPENDED OR REVOKED; AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-5-39 NMSA 1978 (being Laws 1978, Chapter 35, Section 261, as amended) is amended to read:

"66-5-39. DRIVING WHILE LICENSE SUSPENDED OR REVOKED-- PROVIDING PENALTIES. --

A. [~~Any~~] A person who drives a motor vehicle on [~~any~~] a public highway of this state at a time when his privilege to do so is suspended or revoked and who knows or should have known that his license was suspended or revoked is guilty of a misdemeanor and shall be charged with a violation

underscored material = new
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1 of this section. Upon conviction, the person shall be
2 punished, notwithstanding the provisions of Section 31-18-13
3 NMSA 1978, by imprisonment for not less than four days or more
4 than three hundred sixty-four days or participation for an
5 equivalent period of time in a certified alternative sentencing
6 program, and there may be imposed in addition a fine of not
7 more than one thousand dollars (\$1,000). When a person pays
8 any or all of the cost of participating in a certified
9 alternative sentencing program, the court may apply that
10 payment as a deduction to any fine imposed by the court.

11 B. Notwithstanding any other provision of law for
12 suspension or deferment of execution of a sentence, if [~~the~~] a
13 person's privilege to drive was revoked for driving while under
14 the influence of intoxicating liquor or drugs or a violation of
15 the Implied Consent Act, upon conviction under this section,
16 that person shall be punished by imprisonment for not less than
17 seven consecutive days and [~~shall be fined~~] a fine of not less
18 than three hundred dollars (\$300) or not more than one thousand
19 dollars (\$1,000), and the fine and imprisonment shall not be
20 suspended, deferred or taken under advisement. No other
21 disposition by plea of guilty to any other charge in
22 satisfaction of a charge under this section shall be authorized
23 if the person's privilege to drive was revoked for driving
24 while under the influence of intoxicating liquor or drugs or a
25 violation of the Implied Consent Act. [~~Any~~] A municipal

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1 ordinance [~~prohibiting~~] that prohibits driving with a suspended
2 or revoked license shall provide penalties no less stringent
3 than provided in this section.

4 [B.] C. In addition to any other penalties imposed
5 pursuant to the provisions of this section, when a person is
6 convicted pursuant to the provisions of this section or a
7 municipal ordinance that prohibits driving on a suspended or
8 revoked license, the motor vehicle the person was driving shall
9 be immobilized by an immobilization device for thirty days
10 [~~unless immobilization of the motor vehicle poses an imminent~~
11 ~~danger to the health, safety or employment of the convicted~~
12 ~~person's immediate family or the family of the owner of the~~
13 ~~motor vehicle~~]. The convicted person shall bear the cost of
14 immobilizing the motor vehicle.

15 [C.] D. The division, upon receiving a record of
16 the conviction of [~~any~~] a person under this section upon a
17 charge of driving a vehicle while the license of the person was
18 suspended, shall extend the period of suspension for an
19 additional like period, and if the conviction was upon a charge
20 of driving while a license was revoked, the division shall not
21 issue a new license for an additional period of one year from
22 the date the person would otherwise have been entitled to apply
23 for a new license. "

24 Section 2. EFFECTIVE DATE. --The effective date of the
25 provisions of this act is July 1, 2003.

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